REMARKS

The text in page 2 of the Office Action suggests that the Abstract should be amended to include process steps. A new Abstract is hereby provided on a separate page.

Claims 2-8, 12, 13 and 22-39 have been rejected under 35 U.S.C. § 112, second paragraph, as indefinite on enumerated grounds A-E.

To address objection C, applicants have amended claim 1 to include the parenthetical expression "(sRNA)" after the last recitation "sense RNA molecule." To address objection A, applicants have amended claim 2 by deleting the term "a)", and replacing it with the recitation "said attaching." To address objection B, applicants have amended each of claims 3-5 by deleting the recitation "molecule" and replacing it with the recitation "transcript." To address objection D, applicants have amended claim 31 to include recitations of claims 1 and 27. Finally, to address objection E, applicants have amended claim 37 in accordance with the suggestions provided by the Examiner.

In view of the foregoing, reconsideration and withdrawal of all grounds of objection for indefiniteness are respectfully requested.

Claim 31 has been rejected under § 102(e) as anticipated by U.S. Published Patent Application 2002/0102589 to *Kiyama* et al. The determination reached by the Examiner is that the claim method cannot be distinguished from *Kiyama*'s method.

Applicants have amended claim 31 to include the additional process steps by which the detectably labeled cDNA is made. Plainly, this method is not disclosed in *Kiyama*. Accordingly, claim 31 is novel over *Kiyama*. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Claim 35 has been rejected under § 102(b) as being anticipated by U.S. Patent 5,194,370, to *Berninger* et al. The

determination is that "instructional materials" are not given patentable weight as they relate to an intended use for the kit rather than to any kit component.

Applicants have amended claim 35 to include the recitations of claim 36. Since claim 36 has been indicated as free of the prior art, applicants respectfully submit that claim 35 as amended is novel and patentable over *Berninger*. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: July 18, 2008

Respectfully submitted,

By Shawn P. Foley

Shawn P. Foley
Registration No.: 33,071
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant

886246_1.DOC

IN THE ABSTRACT

ABSTRACT OF THE DISCLOSURE

Methods and kits are provided for producing sense RNA molecules. The sense RNA molecules are prepared by:

providing a single stranded cDNA molecule having 5' and 3' ends;

attaching an oligodeoxynucleotide tail to the 3' end of said single stranded cDNA molecule;

providing a double stranded RNA polymerase promoter having a sense strand and antisense strand, wherein the sense strand comprises a single stranded 3' overhang comprising a sequence complementary to said oligodeoxynucleotide tail;

annealing said double stranded RNA polymerase promoter to said oligodeoxynucleotide tail by complementary base pairing with said 3' overhang sequence;

ligating the 5' end of the antisense strand of said double stranded RNA polymerase promoter to the 3' end of said oligodeoxynucleotide tail; and

initiating RNA transcription using an RNA polymerase which recognizes said double stranded promoter, thus producing a sense RNA molecule (sRNA).~~can be used in various research and diagnostic applications, such as gene expression studies involving nucleic acid microarrays.~~